

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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W.P.No.26731 of 2001

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Dated 4th day of July, 2007

Between:

K. Venkat Narsaiah

.. Petitioner

And

A.P. Health and Medical Housing and
Infrastructure Development Corporation,
Rep. by its Engineer-in-Chief, Koti, Hyderabad
and another
Respondents

..

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ORDER:

This writ petition is filed seeking a mandamus to declare the action of the 1st respondent in changing the location of the work mentioned at Sl.No.33 of the Tender Notification dated 18.10.2001 from "Raikal" to "Dharmapuri" without issuing a fresh Notification and only issuing amendment No.1 dated 17.11.2001 to the earlier Notification, as arbitrary and illegal, and consequently direct the respondents to issue a fresh Notification in respect of the location "Dharmapuri" for renovation and upgradation of Hospital.

The petitioner asserts that he is a registered contractor and he is interested to carry out his contract works i.e. renovation and upgradation of hospital at Dharmapuri village. As the 1st respondent issued a Tender Notification dated 18.10.2001 for execution of work mentioned at Sl.No.33 of the Notification i.e. renovation and upgradation of the Primary Health Centre at Raikal, the petitioner did not apply for tender documents. Later, the 1st respondent, amended the Notification dated 18.10.2001 by an amendment No.1 dated 17.11.2001 changing the location of the work i.e. "Raikal" mentioned at Sl.No.33 of the Notification and incorporating "Dharmapuri" where the petitioner is supposed to work. Now, the grievance of the petitioner is that this amendment to the Notification was not published in news papers, but it was displayed only in the Notice Board of the 1st respondent-Corporation which cannot be treated as a valid amendment to the original Notification, and thus, he is deprived of his right to participate in the tenders.

Heard the learned counsel for both the parties and perused the material placed on record.

This Court, on 29.1.2002, while ordering Rule Nisi, granted

interim stay of finalization of tenders relating to the execution of work mentioned at Sl.No.33 of the Tender Notification dated 18.10.2001 and also the amendment No.1, dated 17.11.2001, but according to the petitioner, the respondents, without issuing a fresh Notification, finalized the tenders and they have not controverted this aspect by filing any counter.

In the light of the interim orders passed by this Court and the contention advanced by the learned counsel for the petitioner that earlier Notification was amended without there being any fresh Notification, this Court deems it appropriate to direct the respondents to issue a fresh Notification mentioning the location of work as "Dharmapuri" village for carrying the works of renovation and upgradation of Primary Health Centre.

With the above direction, the writ petition is disposed of. No costs.

bcj

04.07.2007